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**MAILED**

**MAR 30 2011**

**OFFICE OF PETITIONS**

In re Application of :  
David A. Fish :  
Application No. 10/597,096 : ON PETITION  
Filed: July 11, 2006 :  
Attorney Docket No. GB040020US1 :

This is a decision on the petition to revive under  
37 CFR 1.137(b), filed February 23, 2011.

The petition under 37 CFR 1.137(b) is DISMISSED.

Any request for reconsideration of this decision must be  
submitted within TWO (2) MONTHS from the mail date of this  
decision. Extensions of time under 37 CFR 1.136(a) are  
permitted. The reconsideration request should include a cover  
letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No  
additional petition fee is due on renewed petition. This is not  
a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to  
timely file a reply in response to the Notice of Non-Compliant  
Amendment, mailed July 12, 2010. This Notice set an extendable  
period for reply of one month. No reply having been received,  
the application became abandoned on August 13, 2010. The mailing  
of this decision precedes the mailing of a Notice of Abandonment.

A grantable petition under 37 CFR 1.137(b) must be accompanied  
by: (1) the required reply, unless previously filed; (2) the  
petition fee as set forth in 37 CFR 1.17(m); (3) a statement that  
the entire delay in filing the required reply from the due date  
for the reply until the filing of a grantable petition pursuant  
to 37 CFR 1.137(b) was unintentional; and (4) any terminal  
disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by  
37 CFR 1.137(d).

The instant petition lacks requirement (1) above.

Applicant has not submitted a reply to the July 12, 2010 Notice of Non-Compliant Amendment. Office records indicate that Applicant filed a partial, one page reply on February 16, 2011.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petitions  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria VA 22313-1450

By FAX:           (571)273-8300  
                  Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions